

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ARCH INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 2:23-CV-02689 JTF/cgc

Varsity Brand Holding Co., Inc.;
and U.S. All Star Federation, Inc.,

Defendants.

**DEFENDANT U.S. ALL STAR FEDERATION, INC.'S
UNOPPOSED MOTION AND SUPPORTING MEMORANDUM
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND
TO PLAINTIFF'S COMPLAINT PENDING SCHEDULED MEDIATION**

Defendant U.S. All Star Federation, Inc. ("USASF" or "Defendant"), by and through counsel, respectfully moves the Court for an extension of time, up to and including March 20, 2024, to answer or otherwise respond to Plaintiff's Complaint. In support of this unopposed Motion, USASF states as follows:

1. Plaintiff filed its Complaint on October 30, 2023, and served the Complaint on USASF on November 3, 2023.

2. In accordance with Federal Rule of Civil Procedure 12, USASF's responsive pleading would have been due on or about November 24, 2023; however, pursuant to Order (Document No. 22) entered on November 20, 2023, USASF's response date was extended to January 29, 2024.

3. On or about December 27, 2023, USASF retained undersigned counsel and a *Notice of Substitution of Counsel for Defendant U.S. All Star Federation, Inc.* (Document No. 35) was

filed with the Court on January 5, 2024, substituting undersigned counsel for former counsel, Kristin Newman.

4. On or about January 10, 2024, USASF requested additional time to respond to Plaintiff's lengthy Complaint and USASF'S Motion was granted, extending USASF'S response date through February 20, 2024 [Document no. 43].

5. Following the above extension, USASF has worked diligently to arrange a mediation amongst all interested parties in an attempt to settle the underlying liability lawsuits, including numerous plaintiffs represented by the Strom Law Firm, filed in the District Court for South Carolina.

6. Accordingly, scheduled on February 27 and 28, 2024, USASF has arranged a mediation before former Judge Robert Davidson, associated with JAMS, to take place at the JAMS Conference Center in New York City, New York. Attending the mediation in addition to USASF are USASF's insurance carriers, including Plaintiff Arch Insurance Company. In addition Defendant Varsity Brands Holding Co., Inc., has stated that it will attend the mediation.

7. To focus all counsel's attention upon the upcoming complex mediation with the hopes that the proceeding will be successful, USASF respectfully requests an additional thirty (30) days or through March 20, 2024, to respond to Plaintiff Arch Insurance Company's Complaint. As noted above, Arch Insurance Company will be a participant in the upcoming scheduled mediation.

8. Undersigned counsel for USASF consulted via phone and email with Plaintiff's counsel regarding an extension of time for USASF to respond to the Complaint.

9. As set forth in the Certificate of Consultation below, Plaintiff does not oppose USASF's requested extension of time.

10. This Motion for an Extension of Time is sought in good faith and not for the purpose

of delay. This matter involves the issue of insurance coverage under numerous insurances policies extending over several years, as related to approximately ten (10) underlying Complaints filed in other jurisdictions and including numerous Jane and John Doe Plaintiffs. This extension will allow USASF and Plaintiff Arch Insurance Company, along with USASF's other insurers and interested parties to possibly reach a settlement of the underlying plaintiffs' claims.

11. As Plaintiff's counsel has agreed to this extension of time, no party will be prejudiced by this extension of time.

12. By this Motion, Defendant does not waive any defenses it has or may have to the claims and allegations set forth in Plaintiff's Complaint, all of which are expressly reserved.

WHEREFORE, premises considered, Defendant U.S. All Star Federation, Inc. respectfully requests that the Court grant this Unopposed Motion and extend the time for USASF to file its Answer or other responsive pleadings to Plaintiff's Complaint, up to and including March 20, 2024. A proposed Order granting this Motion is being submitted to the Court contemporaneously herewith.

Dated: February 14, 2024.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

/s/ Melissa A. Maravich

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Attorney for Defendant U.S. All Star Federation, Inc.

CERTIFICATE OF CONSULTATION

Counsel for Defendant hereby certifies that she consulted with Ron Schiller and Sharon McKee, counsel for Plaintiff, via telephone and email to determine whether Plaintiff opposes the relief sought in this Motion. Plaintiff's counsel stated that Plaintiff does not oppose the relief requested in this Motion.

/s/ Melissa A. Maravich

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 14, 2024, the foregoing was filed electronically with the Court and has been served through the Court's ECF system on all counsel of record.

/s/ Melissa A. Maravich

Melissa A. Maravich